

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**ORDER DISMISSING CASE;  
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;  
NOTIFYING PLAINTIFF OF COURT'S STRIKE RECOMMENDATION  
UNDER 28 U.S.C. § 1915(g), AND CLOSING CASE**

On July 15, 2024, the Court consolidated Plaintiff Jonathan Atha’s complaints in Civil Action Numbers 23-1240 and 23-1281, dismissed claims against the immune defendants with prejudice, and dismissed the remaining claims in the Consolidated Complaint without prejudice for failure to state a claim for relief. (*See* “Screening Order,” ECF No. 13 at PageID 410.) The Court granted leave to amend within twenty-one (21) days of the date of the Order. (*Id.*)

Atha's deadline to submit amended claims was Monday, August 5, 2024. He has not submitted amended claims or sought an extension of time to do so.

For these reasons, and for the reasons discussed in the Screening Order, the Court DISMISSES this case with prejudice in its entirety. The Court recommends that this dismissal be treated as a strike pursuant to 28 U.S.C. § 1915(g). *See Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021). (See ECF No. 13 at PageID 411 (warning Atha that if he failed to amend his

claims in a timely manner, the Court would dismiss the Consolidated Complaint with prejudice, enter judgment, and recommend that the dismissal be treated as a strike under § 1915(g)).

Judgment will be entered in accordance with the Screening Order.

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Atha would not be taken in good faith. If Atha nevertheless chooses to file a notice of appeal, Atha must either: pay the entire \$605 appellate filing fee; or, if he is confined at that time, submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)-(b).

IT IS SO ORDERED this 26th day of August, 2024.

*/s/ Samuel H. Mays, Jr.*

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SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE